PART 121-4: LAND USE ISSUES AND FOCUS AREAS

4-1 Contemporary Land Use Issues

The Costs of Sprawl

The following summary, taken from *The Costs of Suburban Sprawl and Urban Decay in Rhode Island* by Grow Smart Rhode Island, defines the phenomenon called *sprawl* and puts it in its proper context:

> The term "suburban sprawl" refers to a low-density, large-lot, and scattered pattern of development that is characterized as "an inefficient development pattern." Sprawl describes land development trends and patterns which are wasteful because they tend to consume an unnecessarily large amount of natural resources, require redundant capital investments (public facilities and infrastructure), and waste considerable human resources by making people commute unnecessarily long distances.
>
> Sprawl is wasteful because it causes the underutilization of sizable investments already made in urban areas. Furthermore, sprawl is not only wasteful, but it limits individual choices and encourages a segregated society that in turn creates social and economic schisms between urban and suburban communities. ((Grow Smart:page no.))

Is sprawl a problem in Rhode Island? Consider our rate of consumption of land: *in the past 40 years, Rhode Island has developed more residential, commercial and industrial land than in the state's first 325 years.* About 65,000 acres of residential, commercial and industrial land was developed between 1636 and 1961, but one and one-half times that amount – 96,000 acres – was developed between 1961 and 1995, a period when land consumption increased at nine times the rate of population growth. ((Reference?))

Between 1970 and 1995 the percentage of total developed land in Rhode Island increased from 21 percent (143,000 acres) to nearly 30 percent (210,000 acres). New land uses thus came to occupy nine percent of the state's total land area. For every 100 acres that were newly developed, 85 were for residential purposes, 10 for commercial purposes, and five for industrial purposes.

"Staying on our sprawl course over the next 20 years," Grow Smart stated, "will cost taxpayers almost $1.5 billion, a figure close to the total annual state budget." The alternative? It has been estimated that if Rhode Island were to develop in a more compact pattern, $78 million, or 43 percent, of projected local road construction costs alone could be saved during the next 20 years. ((Reference?))

Sprawl greatly increases public costs of all kinds, including new roads and utilities to new developments (public water and sewer, gas, telephone, etc.), and introduces inefficiencies in serving a widely scattered public with such basic services as school bus transportation, public transit, provision of police, fire, and ambulance services, and home health care services.

Societal costs aggravated by sprawl are also large in both segregation and isolation of Rhode Islanders. Sprawl often leads to communities of uniform land uses – mostly single family houses of the same type and for the same income brackets. Sprawl requires that households have mobility in order to access community facilities and shopping. Sprawl isolates those who are not mobile, particularly the elderly and children, from community institutional centers, and everything from after-school programs to senior centers. More recent studies have linked sprawl with health issues related to inactivity. ((Reference?))

The societal impact of sprawl is particularly harsh on the state's central cities and their residents. As economic power is siphoned from the cities by greenfield development, downtown businesses close, and the quality of life for city dwellers diminishes. Those with limited mobility – the children, elderly, infirm, and disadvantaged – bear the brunt of this cost, as options for local shopping and employment diminish.

Rhode Island, in spite of its small geographical size, offers a great variety of living environments for its citizens to enjoy with its beautiful beaches, farms and forests, historic town and village centers, as well as an established metropolitan center. It is this sense of "place" that contributes so much to the quality of life here. But because growth is taking place almost exclusively as sprawl in suburban and rural areas, there is an increasing risk that the state will be transformed into an undifferentiated and uninspiring area in which to live. Most importantly, the societal costs of continued suburban sprawl and urban decay may be more than Rhode Island can afford. Continuation of the trend of the last 40 years if unchecked will impact everyone.

But there is an alternative. The Rhode Island Economic Policy Council put forth this vision in *A Rhode Island Economic Strategy: 10 Ways to Succeed Without Losing Our Soul,* appealing to us to defend and reuse what we already have rather than sprawl into the future:

> Across Rhode Island, places with solid infrastructure and population loss are poised to absorb economic growth. Brownfield sites cry out for a productive reuse. Main streets, commercial centers, and business parks are prime locations for new development. Whole neighborhoods offer space to grow the economy while offering new opportunities for residents. Seizing these opportunities will bring new vitality to underutilized places – while protecting the beauty of Rhode Island's rural landscapes. By recognizing the different niches occupied by different places within the Ocean State, we will enhance the unique character of our communities and maximize lifestyle choices for our citizens. ((RIEPC, *Soul*:6))

Providing Housing Opportunities for All Rhode Islanders

Decent housing is a basic human need and it is a public responsibility to encourage and guide development of a housing supply that meets the needs of the *entire* population. While most Rhode Islanders are housed, homelessness continues as a problem affecting thousands. It is also a great public concern that many needy, working class, and even middle class Rhode Islanders are facing significant financial disadvantages in the current housing market as they are faced with paying more than they would like or are reasonably able to afford. We need to provide much greater diversity in Rhode Island's housing stock to match the diversity of our population and households. Diversity must be represented in terms of unit size, tenure type, location, and cost.

Rhode Island's Current Housing Crisis

At the time of this writing, Rhode Island's supply of housing is out of balance with housing demand. This situation may seem puzzling. In earlier sections this plan described the dramatic surge of the past 30 years in the number of new housing units as compared to the population. Indeed, between 1975 and 1990 Rhode Island added two new housing units for every additional person. However, while the total population increased 6.5 percent in this period, the number of *households* increased 33 percent. ((Reference?)) So, despite the new units created, demand for housing in Rhode Island is still very high. Recent statistics are jolting. For example, in 2002 Rhode Island had the highest housing price jump in the country, at 15.7 percent *twice* the national rate. ((Reference?))

The present situation of extraordinary pressure and imbalance in housing comes from a combination of factors – chiefly more people wanting to live here, perhaps more wanting their own house, and a lack of diversity in new housing supply. The state's small size again may be a factor, making us more vulnerable to outside influences. The stronger demand appears to include considerable in-migration from other states, including those who work in Massachusetts and Connecticut. There are also growing retirement and seasonal communities, ballooning university housing needs, and rising immigrant populations in the core cities after years of urban decrease.

Wealthier, better-educated, more mobile people have more choice in housing and locations. Poorer residents are in stiff competition with each other, have dwindling choices, and are mostly relegated to the urban areas where rental housing is concentrated and older, smaller, but often substandard housing can be found. What is a relatively new situation is the squeeze placed on the middle class or moderate-income households looking to move.

Average Rhode Island workers are at an income disadvantage in the current market. Dramatic increases in housing costs in Rhode Island, in both purchase prices and rents, have outstripped increases in average income and precipitated a housing affordability "gap" among segments of the state's population. From 1998 to 2003 personal income in Rhode Island increased by nearly 25 percent, consistent with national trends. However, in the same period, the median sales price of single-family homes increased from $122,600 to $230,000, an increase of 88 percent, much higher than the national average. ((Fleet/RIPEC:2))

This situation is threatening the state's ability to attract and retain the talented workers its economic future requires. For businesses, it is exerting a major pressure on wages by boosting the cost of living for their workers.

The dramatic run-up in housing prices reflects a number of complex and intertwined factors. Changing demographics and declining household size has increased demand, both in the aggregate and for particular categories of housing. The lowest mortgage interest rates in over 40 years have broadened demand and allowed sellers to raise prices. Changes in federal taxation – no tax on the sale of most houses, lower tax rates on capital gains from the sale of apartment houses – have made housing an attractive investment even at higher prices.

In addition, a significant price differential between the metro Boston and Rhode Island housing markets has brought increasing numbers of Massachusetts consumers, adding to the price competition for Rhode Island's limited supply. A study commissioned by Fleet Bank observed:

> Anecdotal information suggests that 20 to 25 percent of the walk-though activity for home sales in Northern Rhode Island is by Massachusetts' residents. Relocation data indicate that in 2001, Massachusetts' relocations to Providence County represented at least 16 percent of the moves. It is also interesting to note that the average incomes of at least 60 percent of the relocations to Providence County are 12 to 15 percent greater than the average incomes of existing residents in Providence County. ((Fleet/RIPEC:7))

Current zoning and a limited supply of suitable sites for new housing has contributed to high land costs for new housing. Housing production has lagged behind the rate of household formation in recent years. The decline in production has been greatest for multi-family (rental) housing. During the 1990s, permits for production of multi-family units were down 78 percent from the levels of the 1980s. ((Reference?)) This has contributed to a scarcity of housing, further exacerbating cost increases.

While the rising market has benefited those who already own a home, allowing some to "trade up" in recent years, a great many Rhode Islanders – renters, newly formed households, recent immigrants – have been left behind. They are at a disadvantage when competing in today's market. As often happens in real estate boom

cycles, people in financially secure positions have the opportunity to reap special benefits, while those who are financially disadvantaged can suffer especially hard times. The most disadvantaged Rhode Islanders, in terms of housing, are those who must rent on the private market and, to a lesser extent, those who are trying to buy their first home.

A particular problem is the scarcity of housing affordable to first-time homebuyers. Housing production has largely been chasing the high end of the market. Given the difficulties involved in siting and developing new housing, and the strong demand throughout the state for new, large, single-family houses for the seasonal, retirement, high-net-worth, and "trade-up" markets, there is little incentive for developers to build anything other than high price/high profit luxury homes to meet the demands of that market segment.

Working class Rhode Islanders seeking to enter the housing market are, unfortunately, left out of the current market equation. What used to be a $120,000 "starter" house, now sells for $240,000 plus – if it can be found. Multi-family "triple-deckers," which a few years ago could be had for $100,000 in the state's older cities, now generally sell for $250,000 to $300,000 or more. Despite the lowest interest rates in 40 years, working Rhode Island families with average incomes are unable to afford such prices as first-time buyers.

The Apartment Supply Is Lacking and Very Competitive

For decades, Rhode Island has built very few housing units other than single-family residential structures, and, in fact, Rhode Island had the lowest rate of development of other-than-single-family houses in the entire Northeast for the period 1900 to 2000. ((Reference?)) The major explanation for the lack of private development of multi-family for the past 20 years is that tax incentives changed. A 1986 federal tax act virtually stopped production of new multi-family housing by reducing the annual depreciation allowed of income-producing properties while also reducing the passive gains provisions previously used by investors.

Additionally, demolition of some public housing complexes and multi-family houses within older urban areas accounts for the loss of significant numbers of apartments over the past 20 years. Certain categories of buildings, such as those with five units or more, are in short supply relative to demand.

Rhode Island has nearly 85,000 students enrolled in post-secondary education. ((Reference?)) This aggravates the housing situation. Students, many with roommates, occupy thousands of dwelling units throughout the state. With a limited supply of rental units and apartments, students and working class families are direct competitors for the mostly older housing units.

Two trends are worthy of note with regard to options for multi-family housing: mill renovations and new apartment complexes. Increasingly, mill renovations have focused

on residential use, and this activity is now primed by state tax code amendments related to historic preservation and rehabilitation. The state's historic mills offer large amounts of floor area in multi-story buildings at central locations. They are important, underutilized assets, and they seem ideally suited for uses that combine residential with commercial or light industrial (e.g., artists' lofts with gallery and studio space).

Also attracting notice is the number of fairly large apartment complexes currently under development. These projects include new buildings and renovations, and most involve the redevelopment of sites within urban areas. It is interesting to note that firms from outside Rhode Island are undertaking a number of these projects. Generally, these developments aim for the high end of the rental market and will not directly benefit those with the most critical housing needs.

Current Land Use Plans and Regulations Discourage and Restrict Diversity in Housing Types

For *Land Use 2025* Statewide Planning compared the state's existing housing densities from a RIGIS land use/land cover dataset to Future Land Use maps taken from each Comprehensive Community Plan, on the assumption that zoning and land use regulations of a municipality reflect its Future Land Use map. This comparison raised serious concerns for development of more diversity in the state's housing stock:

- 69 percent of the state's total land is planned for residential use with a minimum lot size of one acre or more. Worthy of note is that a zoning analysis performed in 1978 found that 43 percent of the land zoned for residential use had a minimum lot size of one acre or more per unit.

- 80 percent of Rhode Island's residentially planned land that has not yet been developed is planned for low-density development (one acre or more per unit).

- Less than five percent of Rhode Island's residentially planned land that has not yet been developed is planned for higher density housing development (one quarter acre or less per unit).

- Every community allows multi-family housing, and 27 communities allow accessory apartments – but the areas provided for other-than-single-family residential use are very limited. Multi-family use is often not allowed "by right" – a special exception or other discretionary local zoning action is required.

Redevelopment Potential, Changing Typologies, and Neighborhood-based Revitalization

Redevelopment of urban and developed areas offers great potential, and we can see popular ideas of housing types in Rhode Island beginning to change. As described earlier, the historic mill buildings are now recognized as cost-effective and very

attractive multi-family residential projects. Reuse of the upper stories of older commercial buildings is a growing trend, particularly in towns with historic main streets and revitalization districts. There is an increasing number of mixed-use developments that include the production of new apartments, including adding residential stories when renovating old shopping centers.

Nearly 11,000 vacant lots have been identified in the state's urban core communities. While much of the state's old buildings stock, and housing in particular, needs major upgrading, the advantages of convenient location, established infrastructure, and proximity to community amenities are important. Public water and sewer allow for more density, and multiple units on a single lot provide economic incentives.

Neighborhood-based and special district approaches are being used effectively in many communities to revitalize the older urban areas. The state's Neighborhood Opportunities Program and federal Community Development Block Grants support the neighborhood revitalization approach. It is imperative that the municipal land use plans and land use controls reinforce these efforts.

A New Legislative Framework for Affordable Housing Production

In the 2004 session, the Rhode Island General Assembly established a new legal framework for addressing the state's housing needs. This effort grew out of concerns over the current housing affordability crisis affecting the state, and frustration that an attempt two years earlier to stimulate housing production by broadening the state's comprehensive permit law had produced more controversy than units.

The 2004 amendments to the Low and Moderate Income (LMI) Housing Act base a solution to the affordable housing crisis on a planning response. Among the specific planning aspects of the legislation are requirements that:

- Amendments to local comprehensive plans, where necessary, include an Affordable Housing Plan by the end of 2004. Each plan must identify specific, quantified strategies the city or town proposes to achieve the LMI Housing Act's goal of having at least 10 percent of every community's housing units subsidized and affordable to low- and moderate-income households. The legislative presumption is that, armed with the locally- prepared, state-approved plans, the development community can then respond to produce the needed affordable housing in a fashion and at locations favored by the communities.

- The State Planning Council adopt a Strategic Housing Production Plan with guidelines for higher density development, including inclusionary zoning and mixed-use development.

- A Geographic Information System (GIS) dataset of areas of the state suitable for higher density development be developed.

Other aspects of the LMI Housing Act amendments authorize a study commission to assess options for funding a housing trust fund, revamp the procedures that communities follow to review comprehensive permit applications under the new act, and establish standards to address the backlog of comprehensive permit applications already filed.

Will this be sufficient to address Rhode Island's housing needs? At the very least, it is creating a stimulus for communities and the state to re-examine the planning bases and fundamental assumptions underpinning local zoning and land management in light of the state's pressing housing needs.

Ensuring Environmental Quality

[Reserved]

Infrastructure and Service Ability

In concert with geographic features and natural resources, man-made infrastructure shapes land use patterns and offers opportunities for dense concentrations of uses. The location and the scale of all development depend upon connections to transportation, water, wastewater disposal and other utilities to support them. A careful balance must be maintained between development infrastructure and the natural resource base upon which it rests.

Infrastructure is the land, hardware or structures maintained for public benefit, through, on, or from which public services emerge. The provision or accommodation of infrastructure is one of the most important functions carried on by any government with the participation of the private sector.

Planning is essential to that responsibility. The cost of infrastructure will vary at different locations and according to a selected development type. Utilities, communities and state agencies must respond to increasingly stringent federal, state and regional water and air quality requirements, obligations to provide affordable housing, and increasingly complex development applications. The sensitivity of infrastructure systems to locations and patterns of growth and development may vary for different components within each system.

Water Infrastructure / Supply

Water infrastructure is made up of several components: the water source, treatment facility, storage facilities, and distribution system. The cost of supplying water to new development depends on the area of the community in which the development is occurring. In rural and environmentally sensitive areas, for example, the infrastructure

is typically non-existent or hard to access – and therefore more expensive to develop. New water infrastructure in such areas most often takes place in the form of drilled wells.

Public water supply systems, whether municipally owned or not, serve several purposes. In addition to demands for home and family use, they must meet the demands of commercial and industrial firms, and of public safety.

In Rhode Island there is a variety of ownership, management, and jurisdictional arrangements for water systems. Some public water systems are owned and operated by the municipalities they serve. In other cases, municipalities are served by regional systems or by special water and fire districts. Still others are served by privately owned water companies, or by more than two types of water systems.

Public water supplies in Rhode Island are currently provided by 474 active public drinking water systems. Seventeen percent of these serve 93 percent of the people. Far more water systems (450) have groundwater than surface water as a source, but more people drink from a surface water system. The largest systems served by groundwater sources are those in Cumberland, North Kingstown, South Kingstown and Westerly.

Water demand models can include hundreds of variables for forecasting need. Water use standard rates need to be established for the state and multiplied by projected future population and employment to predict future water and sewer demands. The population, types of dwelling units served, and intensity of land use are among the most important factors influencing water demand.

Wastewater

Sewage, or *wastewater,* is composed of water and solids that flow from homes and businesses via a sewerage system to a wastewater treatment facility (WWTF). Sewers served approximately 63 percent of the Rhode Island population in 1989, when *Land Use 2010* was adopted. Today it is estimated that approximately 72 percent of the state population is served by sewers, based on total housing units served and the average persons per household from the 2000 Census. This area covers about 25 percent of the land area of the state – meaning that the majority of the state is not sewered. A total of 10 towns still had no sewer service as of 2004. ((US Bureau of the Census))

Access to sewer service requires disposal capacity. Sewer service, like public water service, extends concentrically from the urban core, and service districts are contiguous to already built-up areas. There are a few exceptions, however: Burrillville-Pascoag, North Kingstown-Quonset Point, Narragansett, South Kingstown, and Westerly.

There were 19 WWTFs in Rhode Island, which discharged approximately 100 million gallons of wastewater into Rhode Island waterbodies in 2002. ((Reference?)) Unlike the public water systems of the state, the WWTFs are *all* publicly owned. Differences exist in the operation and regulation of the WWTFs due to differences in the years that they were built and the various technologies available at the time, as well as whether major upgrades have occurred. Also, differences in local environmental factors, such as the characteristics of the receiving water, can lead to different effluent limits for each WWTF. The contributing base of residential and nonresidential uses can likewise cause differences in regulation, such as requiring a pretreatment program where heavy industrial uses contribute to the base flow.

Rhode Island's wastewater needs are reflective of the rest of the nation. ((USEPA, *Needs Survey*)) Costs must be borne for facilities used to convey, store, treat, recycle and reclaim wastewater. Rhode Island's current need for wastewater improvements, as expressed in priorities on the State Revolving Loan Fund list, tops $767 million.

Sewer hook-ups from public systems, like those for water, are primarily an urban or suburban service. Otherwise wastewater is handled by septic systems. These systems, which vary by region and community, may be stressed to meet the demand of populations and employment growth, also like the water services. Bristol is the WWTF closest to its design capacity. ((Reference?))

The R.I. Department of Environmental Management (DEM) estimates that the state has approximately 150,000 housing units served by individual sewage disposal systems (ISDSes) today. ((Reference?)) This is about 34 percent of the total housing units in the state. Each year, these systems discharge about seven billion gallons of wastewater into Rhode Island's soils and groundwater. The *Rhode Island Nonpoint Source Management Plan,* State Guide Plan Element 731, pointed out that several surface areas in the state are showing signs of pollution due to nonpoint sources of total and fecal coliform. The most probable causes of increased coliform levels in many of these cases are failed septic systems and stormwater runoff. ((SPP, *Nonpoint*:page no.))

At present, the municipalities in the state can be divided into the following categories with regard to water and sewer service:

- Seven municipalities have neither a public water system (i.e., a piped distribution system) nor a public sewer system.
- Six have a public water system but no sewer system.
- Nine have their own water and sewer systems.
- Seven have their own sewer system but are served by a regional/other water system.
- Five are served by a regional (or adjacent) sewer authority and their own water system.

- Five are served by a regional (or adjacent) sewer authority and a regional/other water system.

Infrastructure in the Future

Our water and sewer systems are aging. Replacement of water lines to ensure quality service, upgrades of sanitary systems to eliminate inflow and infiltration of stormwater, and creation of stormwater management districts are all needed. Upgrades in sewer treatment have been the most important factor in water quality improvements. ((Reference?)) The state and local governments will be required to continue and even expand expenditure for infrastructure improvements to meet existing and future needs. Community growth should be well planned and coordinated with future utility renovations, rehabilitation, and extensions.

Existing water treatment plants and distribution systems have been designed to a set capacity. Land development has traditionally assumed that building in suburban and urban communities will be served by current systems. New development in rural areas usually requires the construction of new wells, treatment facilities and distribution facilities. The future type of land development, low-density residential vs. concentrated growth, will affect future infrastructure needs. Outdoor water use will be greater in rural and suburban land uses.

Currently water is considered by most an inexhaustible resource. Complete build-out of the state under current land use projections may not be possible with what is known about water availability at this time. A development scenario that reduces water demand is preferable to one that does not, as there may be water supply problems in the future. The availability of water and the costs of water infrastructure under different development scenarios are important factors in determining overall housing and development costs. Again, the development scenario that reduces water infrastructure is preferable to one that does not. As the costs for infrastructure are reduced, then housing costs can also be reduced, which is an important consideration for the state.

For sewer service it is much harder to predict the impacts of future land use. Sewer infrastructure development costs are lowest for small, scattered developments in rural areas where no extension of sewer service is provided and an ISDS serves the wastewater needs. Individual septic systems cost less than extending public sewer systems, though concentrated development can reduce sewer extension costs. The majority of land area for future residential development will be dependent upon ISDSes.

A greater reduction of water and sewer infrastructure costs could be achieved under a number of conditions. These include shifting more residential development to communities with ample wastewater treatment plant capacity or by clustering dwelling units. Increased density of land use reduces collector capital costs; however, development that is too dense can have the opposite effect. Development at very high density needs larger, more expensive pipes to service the development. Different population and employment projects will also lead to different cost projects for future infrastructure. So will population locational changes, particularly if they are projected for areas with treatment plants near or at capacity.

Key questions for future land use development scenarios are:

- Where will past practices in providing infrastructure take us if extended into the future?
- What will be our infrastructure demand if we continue growing in the same patterns that we have in the past?
- How will infrastructure demands affect future costs?
- How will different development scenarios effect the most efficient infrastructure development and cost savings?

Density, Design and Aesthetics of Development

Community design – the scale, configuration, and aesthetic details of our built and natural environment – has a profound effect on our social, economic and civic lives. Community design is controlled to a great extent by the public plans and land use regulations of each municipality. The uses, shape, scale and details are recommended by planning officials and approved by elected officials after input from the public. The same people are responsible for reviewing and revising the plans and regulations.

Compact, well-designed neighborhoods of mixed uses – residential, institutional, commercial – are supportive of energy conservation, less congestion, public health promotion, social interaction, and other practices our modern society arguably needs. This is a desirable and practical model since such neighborhoods provide the greatest accessibility of daily activities to the greatest number of people. Compact, higher-density, mixed-use centers are also the model used worldwide for good community design. Current thinking in planning, architecture and urban design all support development of traditional mixed-use neighborhoods.

However, our current system of land use regulation principally supports the automobile-oriented pattern of land use – a space-consuming lifestyle that reflects decades of decentralization of residences, employment, shopping and institutional facilities. Although we have made some progress in stimulating urban reuse, unfortunately the pace and scale of sprawl development continues to increase. Can built examples of excellent community design cause some change in thinking about density and urban living?

Commitment to changing building design patterns that contribute to sprawl will require a vision for the future of communities that are attractive centers surrounded by and infused with greenspace and linked by efficient transportation corridors with a number of options and connections. Containing the scattering, redeveloping the centers, and establishing those options will involve a major redrafting of our land use regulations on density, community design and what is generally called aesthetics.

Density: An Overview

Density refers to the number of persons, number of housing units, or commercial development per land area. The 2000 Census reported that since 1990 Rhode Island's overall density had increased from 960 to 1003 persons per square mile, and from 356 housing units per square mile to 420. The most densely populated municipalities are Central Falls, Providence and Pawtucket, with 15,643, 9,400, and 8,348 persons per square mile respectively. Compare these figures with those of 1940, when Central Falls had 20,866 persons per square mile, Providence had 13,725 and Pawtucket had 8,672!

Although Rhode Island is described as very dense, Rhode Island is also quite "low-rise." Building height in much of the state appears to be restricted to 35 feet, and buildings taller than four or five stories are mostly limited to the center of Providence. Many of our dense areas are not using density as a community design advantage. Rhode Island's traditional building types and lot sizes are an important factor.

For decades, our policies have promoted lower densities, even in situations where higher density would have been appropriate. With the exception of Providence Place Mall, virtually all the new commercial development in Rhode Island over the last four decades has been single- or at most two-story structures. Due to market conditions and a desire to promote owner-occupancy, redevelopment of portions of some very densely developed urban neighborhoods has seen the replacement of multi-family structures with single family residences, lowering density. In suburban jurisdictions, sewer infrastructure has been put in place at great public expense, but residential densities left at levels designed for areas where on-site waste disposal is the practice. In our rural areas, some towns have re-zoned densely settled villages and surrounding areas at the same low density as the surrounding rural countryside, making the majority of existing development in such areas technically non-conforming, and in-fill near impossible.

All of these actions, most well intentioned and some taken on the past advice and guidance of state agencies, show that we are not using density effectively as a community development tool. Redevelopment of some low-density, low-rise areas with taller structures could promote more attractive design, with landscaping and public amenities, and the additional floor area might provide the profitability incentive for the market.

Density in Housing Stock and Commercial Buildings

A number of people have noted that the Rhode Islanders who built the inner ring of suburbs were people who left the crowded neighborhoods of wooden tenement houses surrounding the mills to have their own houses and yards in a quieter place. They left three- to four-story multi-family houses tightly squeezed on small lots and, in the first suburbs, built modest one- and two-story houses on small lots.

Rhode Island's range of traditional housing types and building materials is quite limited and perhaps limiting. The tradition of stick-built wooden houses is pervasive. The three-decker was the basic model for multi-family housing in Rhode Island. It is an excellent house type, with three large and airy floor-through apartments and back stairs accessing rooms for boarders.

Today there are still thousands of three-deckers and duplexes in the state and, for about 125 years, they have provided affordable rental housing. Such structures, while often undistinguished individually, collectively constitute the heart of most of our state's urban neighborhoods. However, although they have provided good service, the state's old wooden housing has also developed problems as it has aged, notably contamination from lead paint, obsolete mechanical systems, deteriorating wooden parts and small lots unable to accommodate the automobiles of the occupants. Continuing, concerted rehabilitation efforts are needed to renew and upgrade these structures in order to maintain their viability as essential ingredients of our affordable housing stock.

Where urban redevelopment opportunities present themselves, masonry or brick row houses and taller, larger buildings should also be considered. Strategically placed in the right settings, taller buildings would be easier to organize, less expensive to renovate in the future, and could allow for more surrounding greenspace and public places.

The range of building types in Rhode Island's suburban areas is also limited. Stick-style single family houses are, by far, the predominant residential type, although there do exist a number of low-rise apartment and/or condominium complexes (generally 2-3 stories) built in the 1960s through the 1990s, mostly in the inner ring of suburbs.

In commercial building types, the predominant style has gone from the tall stone and brick mills and commercial buildings of the traditional Main Streets to one-story structures, large and small, surrounded by parking lots strung out along arterial highways or at major interchanges. The occasional two- or three-story mall anchor store is the scarce exception in height to the general rule.

New planning and urban design strategies call for building new centers with considerable density, mixed uses, and a high level of greenspace and other civic amenities. As demographic changes begin to affect lifestyles, predictions are that increasing numbers of Americans will desire more compact living spaces in exchange for good accessibility to work, shopping and other services. ((Reference?)) If we hope to attract and retain Rhode Islanders with a range of incomes to live and work here, the population and employment centers we envision will have to be well designed, green, pedestrian-oriented, safe, and well-maintained. The structures in these areas must meet contemporary lifestyle needs as well as current building codes.

Community Design

Short of architectural review, there are many important aspects of community design that can be addressed well through zoning regulations. *Aesthetics* is a topic of great interest among the state's planners and the general public, although issues of taste can be difficult to regulate. Cities and towns continually grapple with the community design implications of zoning regulations.

The character of the public areas sets the example for private property owners, and protection of the overall character of the district is very important. There are several elements of community design on which many people can agree and these should be priorities. They include:

- Dimensional requirements
- A mixture of compatible uses
- Parking standards
- Greenspace in public spaces
- Attractive and appropriate lighting and signage

Dimensional requirements exist for every privately owned lot in the state, and they establish the envelope within which the lot may be developed. Along with standards for use and density, the overall dimensional requirements and standards such as parking for different districts and streetscapes largely establish the character of a place, be it residential neighborhood or city center. Dimensional requirements are also critical to the functionality of the permitted uses on the lot.

Particular land uses within each district must be carefully considered and described precisely in the regulations. While *a mixture of compatible uses* gives neighborhoods the dynamics they need, incompatible uses can be disastrous.

Planners increasingly see *parking standards* as instrumental to the character of a successful development, and basic to defining its essence as either auto- or transit- and pedestrian-oriented. Parking must be sufficient to allow proper functioning and marketability, but excessive parking will wastefully consume land, decrease density, encourage the primacy of automotive access, and create environmental impacts and visual blight. Strategies for more effective treatment of parking include maximum (in addition to minimum) parking ratios, provisions for sharing parking, ratios that restrict parking where it is appropriate to encourage greater transit, bicycle, or pedestrian access, and requirements for the siting and orientation of parking on a parcel.

Greenspace in public spaces, streetscapes and private developments is an essential ingredient for successful neighborhoods of all kinds. It is very distressing to note that Rhode Island is experiencing significant net loss of its urban trees annually – exactly the opposite of what urban areas need for community design. ((Reference?)) Development of more greenway corridors and publicly accessible greenspace is desirable. On private property, greenspace is needed to beautify, to buffer between

uses, and to shade and screen unsightly areas, particularly parking and mechanical and trash storage areas.

Lighting and signage are two features of all commercial and industrial uses posing potential negative impacts. Difficulties with both lighting and signage control can be largely prevented by incorporation of appropriate standards in zoning regulations. Well-designed circulation plans with coordinated access management address issues of safety, efficiency, design and cost.

Good community design starts with attention to the details of each building, street, and block and which, assembled make up the neighborhoods and district. Neighborhood-based planning is highly recommended.

Land Use Impacts of the Property Tax

The property tax resembles a structure designed by a mad architect, erected on a shaky foundation by an incompetent builder, and made worse by the well-intentioned repair work of hordes of amateur tinkers. ***—Glen W. Fisher, 1996*** ((Fisher:187))

This quote is something of a hyperbole but it expresses a widespread and legitimate concern that property tax systems are too complicated, too unfair, and can be counterproductive to various public policies. How a property tax system is structured can affect the pace and type of development; it can also facilitate the preservation of sensitive natural areas.

To understand this issue, we must first recognize the characteristics of the property tax system in Rhode Island:

- Property tax is especially significant in Rhode Island because compared to other states a disproportionate amount of total tax revenue is collected from it.

- The state has delegated the administration and collection of property taxes to its municipalities.

- Municipalities have a great deal of discretion in administering property taxes, resulting in 39 distinct property tax systems in the state.

- The majority of local revenue is produced by property taxes and is the only significant source of revenue over which the municipalities have direct control.

- The majority of property tax revenue is used for local education.

- The property tax system combines three objectives: 1) to raise revenue, 2) to promote certain social policies, and 3) to influence landowners' decisions.

Unfortunately, the three objectives in the last bullet can be quite complicated and, at times, contradictory. For example, a proportionally lower tax on land (as compared to improvements) may allow landowners to be able to retain large tracts of undeveloped land *but* it may also stimulate urban sprawl and strip development. Or, proportionally higher taxes on improvements may be needed to generate sufficient revenue for urban schools systems *but* it may cause the deterioration of older urban core areas as maintenance and repair are deferred or buildings are demolished and converted to parking lots.

One message that was conveyed to Statewide Planning staff by municipal planners during the preparation of this plan was that local land use decisions can be overly influenced by their effect on property tax revenue. Quite logically this is due to the fact that the property tax is the principal source of local revenue.

A report by the Governor's Growth Planning Council's Property Tax Subcommittee in 2001 offered this useful explanation showing the link between property taxes (specifically, assessment) and land use decision-making:

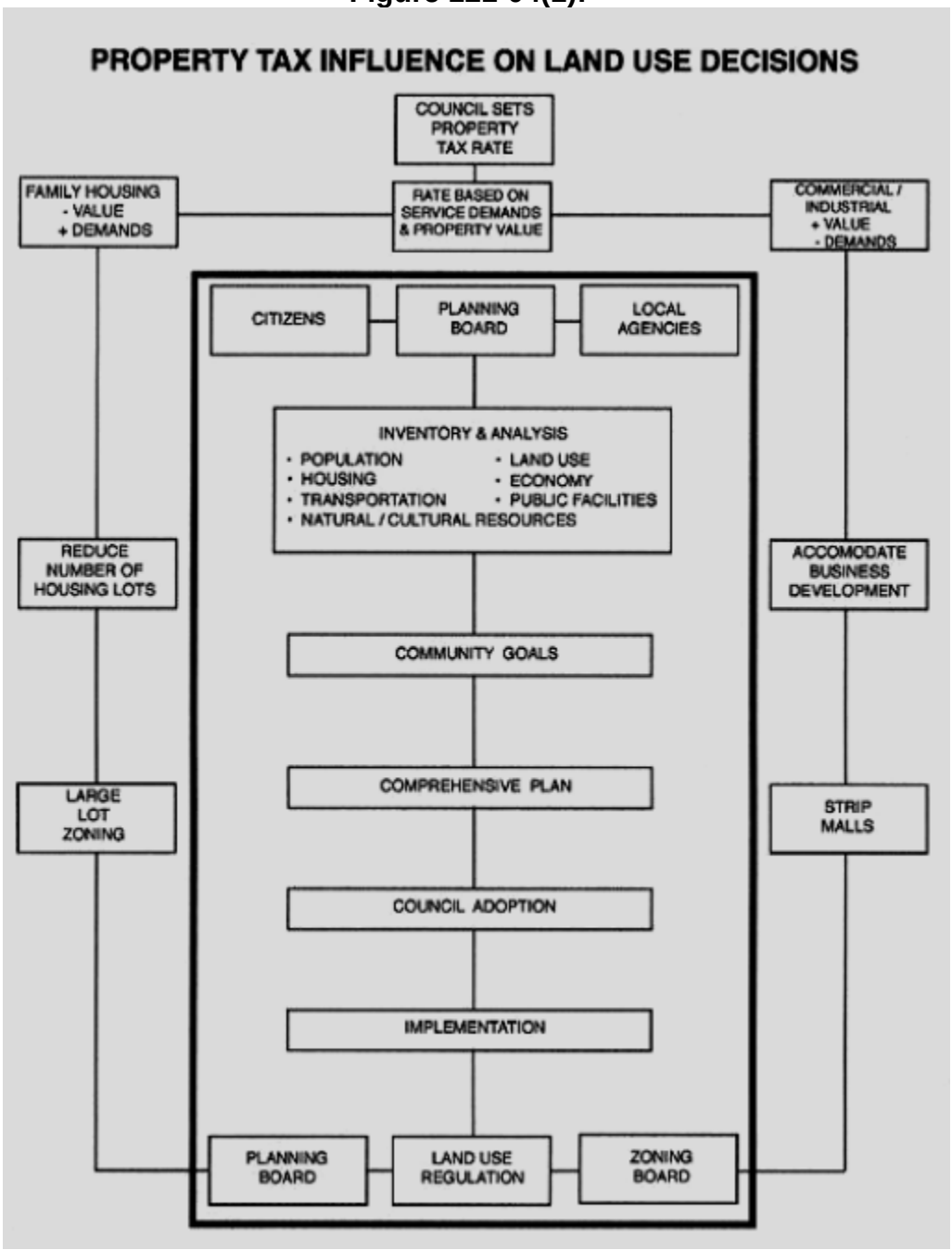
> The property tax assessment process places a value on a parcel of land generally according to its "highest and best use." This use is usually set within the context of what types of uses are allowed by local land management ordinances. These ordinances are adopted, under Rhode Island law, to implement a community's comprehensive plan. That plan is based on an examination of a community's current and future needs as well as their vision for how they would like to develop. ((Reference?))

Figure 121-04(1) shows both the formal and informal land use decision processes many communities experience, suggesting the latter are driven by likely revenue gain or loss ("value" exceeding or being less than "demand").

The formal process is portrayed within the boxes in the diagram. This describes the comprehensive planning process that includes adoption of the plan by the governing body as well as enactment and administration of primary implementation measures, such as zoning and subdivision ordinances.

The informal process on the periphery of the diagram shows how two typical local land use decisions might evolve. While property taxes are one of several variables, land uses can be influenced by their perceived contribution to the fiscal capacity of the community. For instance, while the comprehensive plan may recognize the need for a variety of housing options, moderate-income housing may not be seen as carrying its own tax weight and therefore be discouraged through land use techniques such as large lot zoning or limitations on multi-unit development. Conversely, certain types of commercial or industrial development might be seen as good for the tax base and therefore accommodated through zone changes or other modifications.

Figure 121-04(1):



Source: ?

4-2 Geographic Areas of Concern

Traditional Urban Communities

Failure to improve the economic base and viability of our cities will perpetuate a trend towards the creation of two Rhode Islands. One will be the Rhode Island of poor schools, crime, poverty and dependency, increasing concentrations of the economically disadvantaged and lack of affordable alternatives, trapping families and residents in declining neighborhoods. The other Rhode Island, seemingly more prosperous, will itself eventually be challenged by the spread of urban problems. ***—Rhode Island Public Expenditure Council*** ((RIPEC, Cities Count:page no.))

The Census ranks Rhode Island as the second most urban state, based upon the number of persons per square mile. The area designated "urban" for transportation planning purposes encompasses nearly 60 percent of the state's land area, and 95 percent of the state's population reside in this Census-based urbanized area. Ten communities have been defined as comprising the state's *urban core and ring* (see Figure 121-04(2)), but outlying suburban and rural communities also include densely-built historic centers and some villages that can also be considered urban in character. For the purposes of this plan we recognize as urban those established centers and neighborhoods with traditional urban characteristics and with public infrastructure in place.

In determining whether an area is urban, criteria from some recent Rhode Island projects to promote urban strategies, including the *Cities Count Initiative* and *Growth Centers*, can be used. These include population density and stability, mixed housing types, ethnic diversity, land use and economic activity, community institutions, and pedestrian-related amenities. While these are primarily found in the state's cities, they may also be found in smaller centers, such as historic mill villages.

Public infrastructure, for the purposes of this plan, refers to public roads, water and wastewater systems, and, very importantly, the public and community institutions and facilities that anchor most traditional urban areas. The best locations for redevelopment and new growth should be areas with existing but underutilized infrastructure and buildings, vacant land, and other community resources.

Victims of Sprawl Become Targets of Opportunity

The core cities have very high concentrations of families below the poverty level and populations needing public aid. This is a result of disinvestment following the flight not only of middle and upper income people to the suburbs, but also employers. There are fewer employment options for low-income families living in the core cities, a problem exacerbated by limited transit options to new suburban employment centers.

Figure 121-04(2):
RHODE ISLAND'S URBAN COMMUNITIES

Vacant and abandoned property is a consequence of capital flight and relocation. Grow Smart Rhode Island and the Governor's Growth Planning Council have studied this problem (which they correctly identified as an opportunity, too) in the five urban core communities. They estimated that in 1995 there were approximately 11,000 vacant lots, 80 percent of them residential and the remainder commercial or industrial. Vacant lots, they found, represented an estimated loss of $1.3 billion of assessed valuations in these five cities. ((Gov. Growth Planning Council))

There are also large areas of underutilized commercial and industrial, low-rise buildings in many urban communities. Sometimes these are older industrial areas, Main Streets or commercial highway districts. They are often characterized by one-story buildings, acres of asphalt parking lots, and lack of landscaping. They generally appear bypassed and inactive. In Rhode Island, these areas appear to occupy considerable tracts of land, near to existing residential areas, with good highway access and often with sewer and water infrastructure in place.

Underutilized urban areas can become dense and dynamic new centers incorporating a mixture of modern businesses, residential and other uses. Central locations, and public infrastructure allow for densities that can make such development investments attractive. Sometimes the cost of land and buildings is relatively cheap.

There may be zoning obstacles to reuse, and financial disincentives as well. Urban redevelopment presents conditions, such as past industrial contamination, that must be addressed before any renovation can take place. The ensuing costs of site assessment, cleanup and reconstruction often compare unfavorably with greenfield development even if infrastructure has to be provided. Tax rates in the core cities are higher than those of suburban and rural communities as well, although these are offset somewhat by measures such as the state's historic tax credits, credits available in Enterprise Zones, and municipal tax treaties.

In addition there are public programs designed to reinvigorate disadvantaged urban areas with infrastructure improvements, neighborhood rehabilitation, and targeted investment incentives. The federal Community Development Block Grant program and the state's Enterprise Zone and Neighborhood Opportunity programs are three examples. Outreach to prime candidates for this assistance is sometimes a challenge for planners, but once accomplished it can lead to some much needed investment in the core cities.

Redevelopment areas have been designated in several municipalities. The prime example of this is the Capital Center/River Relocation Project in Providence, which relocated two rivers, the train station and tracks, and the University of Rhode Island Extension, redeveloping nearly 60 acres and creating a new commercial center for the city. Other currently designated redevelopment areas include the East Providence waterfront, a district adjacent to Green Airport in Warwick, and several smaller mill village districts in Burrillville.

The issue of urban revitalization returns to our defense of Rhode Island's "authentic places." Regardless of the challenges presented by years of neglect and disinvestment, saving, rejuvenating, and ensuring the vitality of urban communities is in the public interest and must be a top priority for Rhode Island. We need to look to successful examples as models for the future – the renovation of a vacant National Guard armory for theater and studio space for the fine arts in Pawtucket, for example, or the pending residential/commercial redevelopment of the former Rau Fastener building in Providence. These have blended public and private investment in aggressive and innovative ways that have garnered national attention.

The Shoreline Region

Rhode Island is the Ocean State. We have 420 miles of salt water coastline bordering Narragansett Bay and the Atlantic Ocean and all Rhode Islanders live within 25 miles of the coast. The bay, ocean and shoreline are among Rhode Island's most cherished natural features. They offer recreational opportunities and wildlife habitats publicly available to residents and visitors. Our working waterfront is an essential transportation connection to the world, a major employment center and perhaps Rhode Island's greatest economic asset.

The shoreline region of Rhode Island has been, and will continue to be, a challenge in terms of good land use planning and land use regulations. The shoreline region is very diverse. It includes barrier beaches, critical natural habitat areas, developed public and private beach facilities, summer colonies, historic villages, marinas and piers, Quonset and Davisville, oil tank farms, shipyards, naval installations, and a wide variety of privately owned residential districts.

It is also diverse from a regulatory standpoint. While local zoning applies, the Rhode Island Coastal Resources Management Council (CRMC) also has jurisdiction if an activity is proposed that is:

- In Rhode Island's tidal waters
- On a shoreline abutting tidal waters or a coastal pond
- Within the 200-foot contiguous area landward of any coastal feature (coastal beaches, dunes, wetlands, cliffs, bluffs, barriers, embankments, rocky shores, and manmade shorelines)

These activities all require a CRMC assent. In addition, the following activities require an assent if they extend inland from a shoreline feature or its 200-foot contiguous area:

- Subdivisions, cooperatives, or other multi-ownership facilities (of six units or more)
- Facilities requiring or creating 40,000 sq. ft. or more of parking

Persons proposing the following activities within "critical coastal areas," which include the watersheds of poorly flushed areas delineated on CRMC maps, must also apply for a CRMC assent:

- Subdivisions, cooperatives, and other multi-ownership facilities (of six units or more)
- Any structure serviced by an on-site sewage disposal system servicing 2,000 gallons or more per day
- Any activities that result in the creation of 40,000 sq. ft. or more of impervious surface
- Construction or extension of municipal or industrial sewage facilities or systems (not connections to individual homes)
- Construction or extension of water distribution systems or supply lines (not connections to individual homes)

There are five categories additionally that may require a CRMC assent, no matter where they are located in the state, if impacts on the coastal region are possible:

- Energy generation, transfer, processing or storage
- Chemical processing
- Minerals extraction
- Sewage treatment and disposal
- Solid waste disposal

The CRMC assent will set conditions for development, such as setbacks relative to the ambient erosion rate, and activities appropriate for the area in which they are proposed. The assent may be administrative or subject to review by the full Council, depending on the nature, extent, and likely impact of the activities contemplated. The Council also has a variance procedure for applicants seeking "relief from a [CRMC] standard," and may grant a special exception where conditions indicate "a compelling public purpose which provides benefits to the public as a whole as opposed to individual or private interests." ((CRMC))

The chief vehicle for CRMC regulation is *The State of Rhode Island Coastal Resources Management Program,* which is supplemented by a number of Special Area Management (SAM) Plans that cover, for example, the Narrow River and Rhode Island's coastal ponds.

Coastal Development and Protection

Where the shoreline has been designated as permanent open space, it remains mostly undeveloped and natural. Where it is privately owned, land development pressures have steadily increased over decades and this trend will continue. Land values for properties within the entire shoreline regions will continue to rise. Waterfront properties, those with a water view, those within traditional beach colonies, and those with waterfront access are all highly desired by full-time and part-time residents.

Land use challenges include how to continue to protect the most fragile and valuable natural resources, how to gain public control of the most important ones, how to connect those areas, and how to provide generous opportunities for public access without damage to the resource.

With regard to new construction, there are issues of size and design for new buildings to ensure that built features do not overwhelm the natural environment, aesthetically or otherwise. The potential of significant negative impacts due to over-development or overuse are troubling because many natural features are fragile and the balance is precarious.

These impacts are cumulative. A summer colony evolves into a year-round neighborhood as structures are winterized; the load from ISDSes increases proportionally, until the systems fail and impact adjoining waters. A quiet salt pond becomes a hub of activity as residential development around it increases, until it forces very stringent conditions for property owners to build, live and play there. Flood-prone areas are developed in spite of the high cost of flood insurance; the new structures pose a hazard in and of themselves in the event of a hurricane or other severe weather, as seen in Florida in 2004 – and Rhode Island in 1938 and 1954. All of these examples are land use issues impacting not only the environment, but public health and safety, too.

Major Transportation Corridors and Hubs

Highway Corridors

With the completion of Interstate 95 in the 1960s and the bridge connections between the mainland and the Bay Islands, Rhode Island's most important transportation routes purposefully bypassed or in the cases of Providence and Pawtucket bisected, most of the state's town and city centers. Older state highways continued their historic roles of connecting these centers with their major commercial, industrial, mixed use and institutional areas.

The interstate highway system and its interchanges created a series of new sites with excellent potential for commercial and industrial development – i.e., large tracts of undeveloped land and easy access to high volumes of traffic. In the past 50 years, this has encouraged much of Rhode Island's commercial and industrial activity to move from the urban centers to the inner-ring older suburbs, to be near, or nearer, the interstate highways and airports.

In the past 20 years, major Rhode Island firms have built significant industrial and commercial complexes along the state's highways, edging employment centers farther north and south, particularly on Interstates 95, 295 and 195, and notably in the cities and towns near either the Massachusetts or Connecticut borders. Since the U.S. Navy conveyed the former Seabee base in North Kingstown to the state, Quonset/ Davisville

has become a port and commerce park, taking advantage of proximity to Route 4 (a conduit to I-95), the Northeast rail corridor, and markets throughout the Northeast.

There exists substantial undeveloped acreage at many of the I-95 interchanges, much of the land identified in municipal plans as future commercial and industrial sites. Similarly, along major state and local highways and at their interchanges, large stretches of the road frontage are designated on Future Land Use maps for highway commercial/industrial or mixed-use development.

Suburban commercial areas, in particular, have experienced a tremendous amount of construction in recent decades. Franchise designs are common, the typical building scale has greatly increased, and large commercial developments are now found in most parts of the state. Along Route 2, from Warwick into East Greenwich and south, are several examples.

Vast areas remain planned for commercial and industrial development, but it is notable that they are proceeding further from the state's existing centers, infrastructure, and concentrations of employable population. Development of these areas, as apparently planned, presents serious threats to the viability of the state's existing economic centers, to maintaining the arterial nature of the highway system, and to the aesthetic character of the roadways and surrounding rural areas and neighborhoods.

Transit Hubs

In addition to the nodes on the highway network (the interchanges), there are important nodes on the mass transit system (hubs), both existing and planned. Land use interactions in and surrounding these hubs must be carefully managed to support transit investments and achieve state and community objectives, many of which have already been mentioned in this plan.

Providence is obviously a major transit hub, with the convergence of many R.I. Public Transit Authority (RIPTA) routes near the Providence train station, which offers Amtrak and commuter rail service to Boston. The planned re-introduction of commuter rail south of Providence offers the potential for station stops to become additional hubs and community centers. A station in Warwick will be proximate to T. F. Green Airport. The Warwick Station District – a major redevelopment initiative – is expected to capitalize on the "place-making" power of the resulting nexus between rail and air transportation.

Further south, plans are advancing for stations at Wickford Junction and East Greenwich. Future service extension to Kingston and Westerly is under consideration, and commuter stops in Pawtucket and Cranston have been proposed. Careful planning of the land use surrounding such transit hubs is essential to maximize the benefit of public investment in rail service.

Development pressures indirectly related to the new stations will increase to support the commuter traffic generated. Proactive and prudent planning should occur with the state, regional planning entities where they exist, and the host communities, to ensure that the resulting development occurs in a coordinated and well-designed fashion that is consistent with community objectives and does not further stimulate sprawl.

Summary

If one were to extract, from the foregoing discussion, the land use issues most critical to Rhode Island, they would include the following:

- The rate of consumption of land has far outpaced population growth in Rhode Island. For decades, our policies have promoted lower densities, even in situations where high density would have been appropriate.

- There is a risk of losing our sense of "place," which contributes much to the state's quality of life.

- There is a need to provide a greater number of housing options to match the diversity of our population and households – in terms of unit size, tenure type, location, and cost.

- There is a scarcity of housing affordable to first-time homebuyers.

- The multiplicity of ownership, management, and jurisdictional arrangements for water systems complicates planning for future use.

- Septic systems and wastewater treatment facilities may be close to their design capacity, or at least stressed to meet the demand of population and employment growth.

- Community growth should be planned and coordinated with future utility renovations, rehabilitation, and extensions.

- Local land use decisions can be overly influenced by their effect on property tax revenue, for the simple reason that the property tax is the principal source of local revenue.

- Regardless of the challenges presented by years of neglect and disinvestment, saving, rejuvenating, and ensuring the vitality of urban communities must be a top priority for Rhode Island.

- Built features must not overwhelm the natural environment, aesthetically or otherwise. We need to protect the most fragile and valuable natural resources, gain public control of the most important ones, connect those

areas, and provide opportunities for public access without destroying those resources.

- Transportation planning – including highway corridors and transit hubs – must be proactive and prudent, consistent with community objectives and not further stimulating sprawl.